

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**JEROME WILLIAMS v. STATE OF TENNESSEE**

**Direct Appeal from the Circuit Court for Wayne County  
No. 14045 Robert Jones, Judge**

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**No. M2007-00164-CCA-R3-HC - Filed June 14, 2007**

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Petitioner, Jerome Williams, filed a Petition for Writ of Habeas Corpus in the Circuit Court of Wayne County. Upon motion of the State, the trial court summarily dismissed the petition without a hearing and without appointment of counsel for Petitioner. Petitioner has appealed, arguing that the trial court erred by failing to appoint counsel, and by summarily dismissing the petition. The State has filed a motion pursuant to Rule 20 of the Rules of the Tennessee Court of Criminal Appeals, to affirm the judgment of the trial court in a memorandum opinion. Having reviewed the entire record, we grant the State's motion. Accordingly, the judgment of the trial court is affirmed.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court for Wayne  
County Affirmed Pursuant to Rule 20 of the Tennessee Court of Criminal Appeals**

THOMAS T. WOODALL, J., delivered the opinion of the court, in which JERRY L. SMITH and ROBERT W. WEDEMEYER, JJ., joined.

Jerome Williams, Clifton, Tennessee, *pro se*.

Robert E. Cooper, Jr., Attorney General and Reporter; Sophia Lee, Assistant Attorney General; and T. Michel Bottoms, District Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

In January 1986, the Davidson County Grand Jury indicted Petitioner for one count of aggravated rape and one count of armed robbery. Following a jury trial, he was convicted of both offenses as charged, and these convictions were affirmed on direct appeal. *State v. Jerome Williams*, No. 86-86-III, 1987 WL 4441 (Tenn. Crim. App. Feb. 12, 1987). The sentences of twenty-five years for armed robbery and thirty years for aggravated rape were ordered to be served consecutively. The Petition for Writ of Habeas Corpus attacks only the aggravated rape conviction. Petitioner asserted in his original petition filed in the trial court, and on appeal, that the trial court lacked subject matter jurisdiction on the aggravated rape charge because the indictment failed to allege an offense. Petitioner asserts that the aggravated rape count of the indictment charges in pertinent part as follows, that Petitioner "feloniously committed the crime of aggravated rape by subjecting [the

victim] to unlawful sexual penetration by force or coercion and while the said Jerome Williams was armed with a weapon, to wit: a knife, in violation of Section 39-2-603, Tennessee Code Annotated. . . .”

Petitioner correctly states that, at the time of the offense, “sexual penetration” was statutorily defined in Tennessee Code Annotated section 39-2-602(11) as “sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body. . . .”

Petitioner’s theory is that since the indictment did not define the type of “sexual penetration” the indictment was insufficient on its face and the trial court lacked subject matter jurisdiction. Petitioner’s argument is without merit. The indictment alleged that the Petitioner committed unlawful sexual penetration of the victim. The meaning of sexual penetration is statutorily defined. There is no requirement that the specific type of sexual penetration which occurred must be alleged in order to have a valid indictment.

When a petition for writ of habeas corpus fails on its face to state a cognizable claim, it may be summarily dismissed by the trial court without an evidentiary hearing if there is nothing on the face of the judgment to indicate that the conviction addressed therein is void. *Hickman v. State*, 153 S.W.3d 16, 20 (Tenn. 2004). Also, under such circumstances, the petition may be dismissed without appointment of counsel. *William Lee Henderson v. State*, No. 01C01-9808-CR-00338, 1999 WL 253620, at \*1-2 (Tenn. Crim. App. April 30, 1999) *perm. to app. denied* Sept. 20, 1999.

Petitioner is not entitled to relief on these issues. Accordingly, the judgment of the trial court should be affirmed.

### CONCLUSION

The judgment rendered in the trial court was in a proceeding without a jury, and the judgment is not a determination of guilt, and the matters contained in the record do not preponderate against the findings of the trial judge. No error of law requiring a reversal is apparent on the record. Accordingly, the judgment of the trial court is affirmed pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals.

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THOMAS T. WOODALL, JUDGE